

MITCHELL D. GLINER, ESQ.
Nevada Bar #003419
3017 West Charleston Boulevard
Suite 95
Las Vegas, NV 89102
(702) 870-8700
Attorney for Plaintiffs

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BY my
D. [unclear]

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WARWICK L. JONES and CARY Z.)
JONES,)

Plaintiffs,)

vs.)

WELLS FARGO BANK, NATIONAL)
ASSOCIATION,)

Defendant.)

CV-S-00-1390-LDG-RJJ

SIX PERSON JURY DEMANDED

COMPLAINT

1. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681p. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiffs' claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

2. The Plaintiffs bring this action for damages based upon Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C. Section 1681 et seq. (hereinafter referred as the "FCRA"). Plaintiffs seek actual damages, punitive damages, costs and attorney's fees.

. . .

LAW OFFICES
MITCHELL D. GLINER
3017 W. Charleston Blvd.
Suite 95
Las Vegas, Nevada 89102
(702) 870-8700

1 3. Plaintiffs, Warwick L. Jones (WLJ) and Cary Z. Jones
2 (CZJ), are natural persons, residents and citizens of the State of
3 Nevada and of the United States. Plaintiffs are "consumers" as
4 defined by FCRA § 1681a(c). Warwick L. Jones is the father of
5 Cary Z. Jones.

6 4. The Defendant, Wells Fargo National Bank, National
7 Association, (hereinafter referred to as "User") is a foreign
8 entity with its principal place of business in Minneapolis,
9 Minnesota.

10
11 **CAUSE OF ACTION**

12 **Statement of Facts**

13 LAW OFFICES
14 MITCHELL D. GLINER
15 3017 W. Charleston Blvd.
 Suite 95
 Las Vegas, Nevada 89102
 (702) 870-8700
16 5. WLJ has a distinct heightened interest in protecting his
17 credit profiles.

18 6. In October, 1999, WLJ filed a federal action styled
19 Warwick Lewis Jones v. Bonded Collectors, Inc., CV-S-99-1457-JBR
20 (RJJ), against a Florida debt collector who had insidiously
21 reported a \$9,000 collection account which was the time-barred debt
22 of WLJ's son, Brett Jones.

23 7. Brett Jones was an airline Captain. Brett Jones died in
24 an April, 1992, plane crash.

25 8. The litigation against Bonded Collectors ("Bonded")
26 resulted in the deletion of the collection entry from WLJ's credit
27 profiles.

28 . . .

. . .

1 9. WLJ and his wife attempted to acquire a home mortgage
2 prior to and during the litigation with Bonded. WLJ's credit
3 profiles were illegally accessed by numerous lenders in addition to
4 those with authorization.

5 10. Many unwanted inquiries resulted from the repeated
6 acquisition of WLJ's credit profiles. These inquiries reflect the
7 difficulty WLJ encountered in acquiring a mortgage in the presence
8 of the disparaging Bonded entry. The numerous inquiries have
9 eroded WLJ's "credit score."

10 11. As a result of the erosion of his "credit score," WLJ has
11 become in the habit of directing all lenders with whom he discusses
12 rates not to access his credit profiles. A copy of WLJ's July 27,
13 2000, letter to Eaglemark Customer Funding Corporation, which twice
14 emphatically directed Eaglemark not to access his credit profiles,
15 is attached as Exhibit 1.

16 12. On or about June 29, 2000, WLJ telephoned the Defendant's
17 offices in Las Vegas, Nevada, and spoke with Ms. Dee Choser
18 (Choser). Plaintiffs were, at all times relevant hereto, customers
19 of the Defendant Bank.

20 13. WLJ advised Choser that he and CZJ were interested in
21 aircraft financing. Plaintiff also explicitly advised Choser that
22 she was not authorized to access his credit profiles and that he
23 could provide the same if required.

24 14. WLJ repeated this admonition during each conversation
25 with Choser.

26 15. All conversations with Choser were telephonic and at no
27 time was a written application executed by either Plaintiff.
28

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1 16. On or about June 30, 2000, Choser called WLJ informing
2 him that financing was available at a rate approximating 11.5% over
3 a 6-year term.

4 17. WLJ advised Choser that financing was typically available
5 at 9%-10% over 15-20 year terms. WLJ repeated his earlier
6 admonition re his credit profiles.

7 18. On or about July 19, 2000, Choser contacted WLJ advising
8 him that Defendant could offer financing at 10% over a 12-year
9 term.

10 19. On or about Tuesday, July 25, 2000, at approximately
11 noon, WLJ received a call from Choser advising him that the loan
12 had been "approved" at 10% for 12 years. Choser added that she
13 would need to speak with CZJ re certain facts pertaining to
14 purchase and loan documents.

15 20. WLJ advised that the two would think the matter over and
16 get back to Choser were they interested.

17 21. Choser called WLJ on or about July 31, 2000, and offered
18 to take an application over the phone. WLJ repeated his admonition
19 concerning his credit profiles and advised Choser of the accounts
20 which he and CZJ had with the Defendant.

21 22. On or about August 4, 2000, WLJ received from Choser a
22 fax (Exhibit 2) which contained a list of items the Defendant
23 required. Exhibit 2 references a credit entry contained in the
24 credit profile of CZJ.

25 23. At no time had CZJ even spoken with Choser.

26 24. A furious WLJ immediately called Choser who defended the
27 Defendant asserting it was automatically authorized to access the
28 credit profiles once WLJ had initiated discourse re financing.

1 25. WLJ reminded Choser both of his repeated requests that
2 his credit profile not be pulled absent his express permission and
3 the fact that Choser had not even spoken with his son.

4 26. On or about August 8, 2000, WLJ called Choser's
5 supervisor, Ms. Shirley Skirvin, who echoed Choser's view that
6 authorization to access Plaintiffs' profiles was automatic.

7 27. Skirvin did not address the repeated explicit admonitions
8 provided by WLJ.

9 28. On or about August 11, 2000, WLJ received a credit report
10 from Equifax Credit Information Services, Inc. (Exhibit 3).
11 Exhibit 3 reflects that User accessed WLJ's credit profile on
12 July 31, 2000.

13 29. The referenced inquiries have become permanent components
14 of the Plaintiffs' credit profiles and are reported to those who
15 ask to review the credit history of the Plaintiffs.

16 30. Upon best information and belief, User agreed and
17 represented in its agreements with the various credit reporting
18 agencies that User would request and use consumer reports which
19 were obtained from said agencies only for purposes which are lawful
20 under the FCRA as defined under § 1681b.

21 31. User was required pursuant to FCRA §§ 1681b(f), 1681n and
22 1681o to refrain from obtaining consumer reports from credit
23 reporting agencies under false pretenses.

24 32. At no time material hereto did Plaintiffs ever have a
25 relationship of any kind with User as defined under FCRA
26 § 1681b(a)(3)(A)-(F).

27 33. User has never ever been ordered by a court of competent
28 jurisdiction to issue a consumer report pursuant to FCRA

1 § 1681b(a)(1). Plaintiffs have never knowingly given written
2 instructions to User to obtain and/or release to a third party a
3 consumer report of which Plaintiffs were the subject pursuant to
4 FCRA § 1681b(a)(2).

5 34. User had an affirmative duty to follow reasonable
6 procedures, including those that would prevent the impermissible
7 accessing of consumer reports.

8 35. Reasonable procedures for users include restricting the
9 ability of its agents to obtain consumer reports on consumers for
10 any impermissible purpose.

11 36. Upon best information and belief, User's illegal and
12 surreptitious acquisition of Plaintiffs' credit reports derived
13 from an interest and priority well beyond the scope of the FCRA.

14 37. User has, upon best information and belief, compromised
15 its relationship with the various credit reporting agencies in
16 falsifying the basis upon which Plaintiffs' reports were obtained.

17 38. User has compromised Plaintiffs' access to credit in
18 imparting to past, present and future credit grantors that
19 Plaintiffs have applied for credit in tandem with a relationship
20 with User.

21 Statement of Claim

22 39. Defendant/User willfully and/or negligently violated
23 the provisions of the FCRA in the following respects:

- 24
25 a. User has falsely, purposely, surreptitiously and
26 maliciously obtained the Plaintiffs' credit reports
27 in violation of FCRA § 1681b(f).
28

1 b. User has falsely, purposely, surreptitiously and
2 maliciously obtained the Plaintiffs' credit reports
3 in violation of FCRA § 1681n.

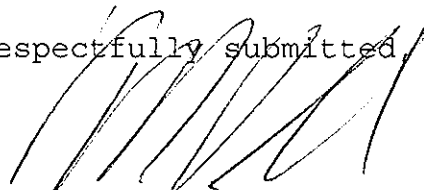
4
5 c. User has obtained the Plaintiffs' credit reports in
6 violation of FCRA § 1681o.

7
8 **PRAYER FOR RELIEF**

9
10 THEREFORE, Plaintiffs pray that the court grant:

- 11 a) actual damages;
12 b) punitive damages;
13 c) attorney's fees; and
14 d) costs.

15 Respectfully submitted,
16
17

18 
19 MITCHELL D. GLINER, ESQ.
20 Nevada Bar #003419
21 3017 West Charleston Boulevard
22 Suite 95
23 Las Vegas, NV 89102
24 Attorney for Plaintiffs
25
26
27
28

EXHIBITS

CONSULTANTS INTERNATIONAL ARCHITECTURE LLC

4616 w. Sahara Ave., Ste. 270
Las Vegas, NV. 89102
Telephone 702-233-5941 Fax 702-233-5941
Cell. 702-286-0340

Warwick L. (Rick) Jones

Date 07/27/2000

Attn. Dennis Oliver
Loan Officer

**EAGLEMARK FINANCIAL
AIRCRAFT FINANCING**

Fax number : 800-699-2142

Dear Dennis,

Thank you for your time discussing Aircraft financing rates to me, as we agreed I am faxing through 30 odd sheets for your review including a late copy of my credit report obtained from my Attorney, keep in mind I am self employed and our CPA writes off most of the yearly income, included are several copies of checks which pertain to Park place entertainment(Hilton Hotel/Casinos) Arfa Contracting(Progress payment on \$30,000 fees owing) & Current Consulting fees to Dawes Corporation, in addition I have a lawsuit filed in Court against a company which owes me \$150,000 + interest for fees relating to year 1999. There is also additional fees due & owing to the amount of \$ 25,000 from Arfa contracting on a past contract performed in 1998-99.

If you require additional Tax figures, you may call the CPA office in Las Vegas, Gary Campbell on 702-255-2330, I have alerted the office that maybe someone could call.

Please do not pull an additional credit report at this period, the Aircraft we are looking to purchase is as follows:

Socata Tampoico TB9

Year 1990

T.T.

SMOH engine 4500 hrs.

purchase price \$45,500.00

1993

1900 T.T.

NEG. SELLING PRICE

\$67000

Condition Exterior rated as 7 to 7.5 ENG. 1900 SMOH

Condition Interior rated as 8 to 9

No damage history

Full Log books

10 & 10

ANNUAL

FEB. 24-2000

Last annual Oct. 1999, all current AD's complied with; My Son Cary Jones who would be the Pilot is presently down in San Diego to inspect the Aircraft, and if it looks good, we intend to have another annual inspection performed in lieu of a pre-buy inspection.

INSPECTED

Upon research across the Nation, the same model with years varying between 1990 to 1993 are listed for sale at \$54,000 ; \$ 69,000 ; \$ 72,000 with greater T.T. and engine hrs. up in the 1200 to 1600's.

This particular owner has a partner who apparently is short of cash and does not wish to share fair equal costs of running this Aircraft.

Again, thank you,

W.Rick Jones

NOT AN EX-FLITE
SCHOOL
AIRCRAFT.

EXHIBIT 1

Jul. 26 2000 07:58AM

Page 15. :

Jul 26 3:28 PM '78

Please Address all future
correspondence to this address:

COPIES SENT TO MEMBERS OF THE
U. S. SENATE
ATLANTA GA 30334

18001130-1264

DATE: 6-19-00
SOCIAL SECURITY NUMBER: 225-7232
DATE OF BIRTH: 03-0-166

WANTED LEWIS 1746
21127 ARTHUR KING 44
LAS 0545 44 80134

DO NOT CALL FOR A ~~CRASH~~ REPORT
UNLESS YOU CALL ME - FIRST W

| CREDIT HISTORY | | | | | | | | | | | | Date | |
|--|-------------------|------------|-------------|---------------|------------------------|-------------|----------|-----------------------|------|--------|-------|------|--|
| Company Name | Account Number | Phone Area | Date Opened | Credit Rating | Status of Last Account | High Credit | Turnover | Average Age of Credit | | Status | Date | | |
| | | | | | | | | Months | Days | | | | |
| LDWE'S | 652722219-0009271 | J | 02/00 | | 03/00 | 108 | 20 | 134 | | NO | 03/00 | | |
| AMERICAN EXPRESS CREDIT CARD | 3728679411500 | I | 03/00 | 03 | 03/00 | 964 | | 964 | | 01 | 03/00 | | |
| WRLC & L - BAXLAN: RECI. ESTATE MORTGAGE | 3120012301737 | I | 11/99 | | 01/00 | 272K | 2K | 271K | | 11 | 01/00 | | |
| AIRTOUGH | 1449983 | I | 11/94 | 10 | 06/95 | 30 | | 0 | | 01 | 10/95 | | |
| PAID ACCOUNT/ECAS BALANCE CHARGE | 242870102 | F | 03/86 | 40 | | 26 | | 0 | | 11 | 11/93 | | |
| MAAS BROTHERS/FACS CHARGE | | | | | | | | | | | | | |

ADDITIONAL INFORMATION

***** ADDITIONAL INFORMATION *****
 FORMER/OTHER ADDRESS 7420 DIXIE BLVD. CN. LAS VEGAS, NV. 89134
 FORMER/OTHER ADDRESS 4616 N. SARAZA, AVE APT 270, LAS VEGAS, NV. 89102
 LAST REPORTED EMPL - OWNER, INFL ARCH CONSULT, DONITA S. FL
 FORMER EMPLOYMENT - SELF-CONSTRUCTION OVLPHNT
 FORMER EMPLOYMENT - DEVELOPER.

COMPANIES THAT REQUESTED YOUR CREDIT HISTORY

***** COMPANIES THAT REQUESTED YOUR CREDIT INFO *****

00/10/00 STANFACIS - DISCLOSURE 02/10/00 AR AMERICAN EXPRESS
11/23/99 STANFACIS/TRUST ONE MORTGAGE &
11/23/99 EQUIFAX - UPDATE
11/22/99 INFONET /PRIBORUND MORTGAGE CORP
11/22/99 CORONER AGENCY 11/17/99 WORLD SAVINGS
11/11/97 CREDCO 171 MORTGAGE CO. PHX FHMA
11/11/99 INFO 1 /PRIME MORTGAGE CORP.
11/09/97 CREDCO /PHCC LAS VEGAS FHMA
11/09/99 FIRST TENNESSEE MORT
11/09/99 INFO 1 /WELFARE STATE FINANCIAL SV
11/09/99 INFO 1 /GCCIDENTAL MORTGAGE
11/09/99 ADVANTAGE /CLASSIC HOME LOANS
11/06/99 FACI DTA /GROSS CITY FED MORTGAGE
11/06/99 LANDSAFE /LANDSAFE CREDIT
11/03/00 CC CENTRAL/606 ASPEN MORTGAGE 10/24/99 ACIS 925900-23 9182200016
11/02/99 CITYBANK (NY, NY)
10/23/99 LANDSAFE /LANDSAFE CREDIT
10/22/99 LEMORIS /DONNINGTON MORTGAGE
10/22/99 CREDIT SVC/SUNBELT FIRST FINANCIAL
10/21/99 EQUIFAX - DISCLOSURE
10/21/99 CREDCO /GOLDEN BEAST FINANCIAL/MAC
10/21/99 CREDCO /GROSS CHASE MANHATTAN MO
10/13/99 CC CENTRAL/606 ASPEN MORTGAGE
10/13/99 FMR /UTAHDA CITIZENS FINANCIAL
10/12/99 INFONET /GOLDEN WEST FUNDING
10/12/99 FAR WEST /FIRST UNITED MORTGAGE
10/11/98 STANFACIS /CAPITOL COMMERCE MTG SAC
10/06/99 FX BONDED COLLECTORS OF
10/05/99 CREDCO /PNC MID LPTD PRPRM
10/05/99 PNC MORTGAGE
10/04/99 CREDCO /MAC MTG 350 LA
09/14/99 CHASE CREDIT/ICOR MORTGAGE LENDING
09/14/99 TRECCA MORTGAGE LENO
09/09/99 LANDSAFE /LANDSAFE CREDIT
08/04/99 CREDCO /MAC MTG 350 LAS VEGAS
07/23/00 LEMORIS /WELLSBOROUGH MORTGAGE CO

Wells Fargo Bank Nevada, N.A.
Post Office Box 15506
Las Vegas, Nevada 89114-5606

WELLS
FARGO

8/4/2000

Rick -

This is list of items I will need
for the Airplane loan:

Rick:

2 years personal Tax Returns
2 years business Tax Returns

Cary:

2 years personal Tax Returns
* → Letter indicating a charge off is
Paid to Plantation.

- CARY JONES

Airplane

Appraisal on aircraft
Airworthiness Certificate (FAA Mechanic)
Copy of flight records
Copy of inspection logs

I am obtaining the other documents
needed for the loan from Aero Records
in Oklahoma City.

Thank you

Called 8/3/00

Dee Fargo P/B
Wells Fargo

Charlie OKW
Manager.

765-1950 -
Called 8/9/00.

DEF 702-765-1900

Please address all future

correspondence to this address.

EQUIFAX CREDIT INFORMATION SERVICES

P.O. Box 740348
ATLANTA, GA 30374

(800)435-4158

WARWICK LEWIS JONES
11112 ARBOR PINE AV
LAS VEGAS NV 89144*DATE 08/11/00
SOCIAL SECURITY NUMBER 559-29-9858
DATE OF BIRTH 03/01/42

CREDIT HISTORY

| Company Name | Account Number | Views Acct | Date Opened | Months Re- viewed | Date Of Last Activity | High Credit | Terms | Items as of Date Reported | Date Reported |
|---|------------------|---------------|----------------|-------------------------|-----------------------------|----------------|-------|---------------------------|------------------|
| LOWE'S CHARGE | C8222229-0009871 | S | 02/00 | 05 | 07/00 | 1500 | 21 | 736 | R1 07/00 |
| WORLD S & L - OAKLAND REAL ESTATE MORTGAGE | 5120012301727 | I | 11/99 | 05 | 06/00 | 272K | 1K | 270K | I1 06/00 |
| AMERICAN EXPRESS CREDIT CARD | 3728679431500 | I | 05/89 | 01 | 07/00 | 2268 | | 1220 | 01 07/00 |
| AIRTOUCH PAID ACCOUNT/ZERO BALANCE CHARGE | 1425963 | I | 11/94 | 10 | 04/95 | 38 | | 0 | 01 10/95 |
| MAAS BROTHERS/FACS CHARGE | 242873102 | S | 05/86 | 40 | | 36 | | 0 | R1 11/93 |

***** ADDITIONAL INFORMATION *****

FORMER/OTHER ADDRESS 2428 GINGER LILY, LN, LAS VEGAS, NV, 89134

FORMER/OTHER ADDRESS 4616 W SAHARA, AVE APT 270, LAS VEGAS, NV, 89102

LAST REPORTED EMPL - OWNER, INTL ARCH CONSULT, BONITA S, FL

FORMER EMPLOYMENT - SELF-CONSTRUCTION DVLPMT

FORMER EMPLOYMENT - DEVELOPER

***** COMPANIES THAT REQUESTED YOUR CREDIT HISTORY *****

08/11/00 EQUIFAX - DISCLOSURE

07/26/00 ID EQUIFAX CONSUMER SER

06/13/00 AR LOWE'S

06/02/00 PRM CB&T

04/18/00 EQUIFAX - DISCLOSURE

11/23/99 STANDFACTS/TRUST ONE MORTGAGE B

11/23/99 EQUIFAX - UPDATE

11/22/99 INFONET /PROTOFUND MORTGAGE CORP

11/22/99 CORDNER AGENCY

11/11/99 CREDCO /FT MORTGAGE CO PHX FNMA

11/11/99 INFO 1 /PMCC MORTGAGE CORP

11/09/99 CREDCO /PMCC LAS VEGAS FNMA

11/09/99 FIRST TENNESSEE MORT

11/05/99 INFO 1 /SILVER STATE FINANCIAL SV

11/05/99 INFO 1 /OCCIDENTAL MORTGAGE

11/05/99 ADVANTAGE /CLASSIC HOME LOANS

11/04/99 FACIL DTA /4801 CITY FED MORTGAGE

11/04/99 LANDSAFE /LANDSAFE CREDIT

11/03/99 CB CENTRAL/606 ASPEN MORTGAGE

11/02/99 CITIMORTGAGE

10/25/99 LANDSAFE /LANDSAFE CREDIT

10/22/99 LENDER'S /PENNINGTON MORTGAGE

10/22/99 CREDIT SVC/SUNBELT FIRST FINANCIAL

10/21/99 EQUIFAX - DISCLOSURE

10/14/99 CREDCO /GOLDEN WEST FUNDINGFNMA

10/13/99 CB CENTRAL/606 CHASE MANHATTAN MO

10/13/99 FNCS /NEVADA CITIZENS FINANCIAL

10/12/99 INFONET /GOLDEN WEST FUNDING

10/12/99 FAR WEST /FIRST UNITED MORTGAGE

10/11/99 ISTANCREO /CAPITOL COMMERCE MTG SAC

10/06/99 FK BONDED COLLECTORS OF

10/05/99 CREDCO /PNC MTG LAPTOP PROGRAM

10/05/99 PNC MORTGAGE

10/04/99 CREDCO /GHAC MTG 350 LA

09/14/99 CHASE CREDIT/TRICOR MORTGAGE LENDING

09/14/99 TRICOR MORTGAGE LEND

09/09/99 LANDSAFE /LANDSAFE CREDIT

08/04/99 CREDCO /GHAC MTG 350 LAS VEGAS

07/13/99 LENDER'S /HILLSBOROUGH MORTGAGE CO

07/31/00: WELLS FARGO BANK NEW
07/24/00: AVFINANCE GROUP, INC
06/12/00: PRM AT&T WIRELESS SERVICE
04/19/00: AR AMERICAN EXPRESS

10/26/99: ACIS 929909225 915AA00018

GBG-RESTART 00000

COMPLETE PAGE 1 OF 1

EXHIBIT 3